

COMMONWEALTH OF MASSACHUSETTS

REGISTRY OF MOTOR VEHICLES

540 CMR REGISTRY OF MOTOR VEHICLES

540 CMR 4.00 PERIODIC ANNUAL STAGGERED SAFETY AND COMBINED SAFETY AND EMISSIONS INSPECTION OF ALL MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND CONVERTER DOLLIES.

540 CMR 4.00 Periodic Annual Staggered Safety and Combined Safety and Emissions Inspection of All Motor Vehicles, Trailers, Semi-trailers and Converter Dollies

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The purpose of 540 CMR 4.00 is to provide (1) Inspection procedures for all motor vehicles in accordance with M.G.L. c.90 § 7A, (2) Inspection certificates issued pursuant to M.G.L. c.90 § 7V, (a),(b),(c) and (3) the licensing of stations and inspectors approved to perform safety and emissions inspections pursuant to M.G.L. c.90 § 7W.

4.01: Scope and Applicability.

540 CMR 4.00 is adopted by the Registry of Motor Vehicles pursuant to the authority of M.G.L. c. 90, § 31. 540 CMR 4.00 establishes Rules and Regulations for the periodic staggered Safety and Combined Safety and Emissions Inspections of all motor vehicles registered in the Commonwealth of Massachusetts under the authority of M.G.L. c. 90, § 7A. 540 CMR 4.00 also establishes regulations for the issuance of various inspection certificates pursuant to M.G.L. c. 90, § 7V, (a)(b)(c), and Regulations for the licensing of

stations and inspectors pursuant to M.G.L. c. 90, § 7W. The failure of a motor vehicle to meet the requirements of the Safety and Emissions inspections will result in the suspension of the vehicle's certificate of registration pursuant of M.G.L. c. 90, § 20.

4.02: Special Definitions

In addition to the definitions set forth in M.G.L. c. 90, § 1, the following special definitions shall also apply:

Antique Motor Car shall mean any motor vehicle which has been assigned an antique registration plate.

ALARS shall mean the Automated Licensing and Registration Systems used by the Registry of Motor Vehicles.

Certificate of Inspection shall mean a serially numbered, adhesive sticker, device, or symbol, as may be prescribed by the Registrar, indicating a motor vehicle has met the inspection requirements established by the Registrar. The Registrar may prescribe the use of one or more categories of said Certificates.

Certificate of Rejection shall mean a serially numbered, adhesive sticker, device or symbol, as may be prescribed by the Registrar, indicating a motor vehicle has failed to meet the Safety and Combined Safety and Emissions Inspection requirements.

Certificate of Waiver shall mean a serially numbered device or symbol, as may be prescribed by the Registrar, indicating that the requirement of passing the Emissions portion of the Combined Safety and Emissions Inspection has been waived for a vehicle pursuant to 540 CMR 4.00.

Class F License shall mean the license issued to a Fleet Inspection Station for Safety or Safety and Emissions Inspections as granted by the Registrar (except motorcycles).

Class FR License shall mean the license issued to a Fleet Inspection Station for Safety or Safety and Emissions Inspections as granted by the Registrar (except motorcycles) using mobile equipment for performing inspections at multiple locations owned by said fleet.

Class H License shall mean the license issued to a Public Inspection Station for Safety and Emissions Inspections of heavy duty vehicles of all fuel types over 10,000 lbs, commercial motor vehicles, trailers, semi-trailers and converter dollies.

Class HD License shall mean the license issued to a public inspection station for safety and emissions inspections of heavy duty diesel vehicles over 10,000 lbs, commercial

motor vehicles, trailers, semi-trailers and converter dollies.

Class HG License shall mean the license issued to a public inspection station for safety and emissions inspections of all fuel types except diesel vehicles over 10,000 lbs, commercial motor vehicles, trailers, semi-trailers and converter dollies.

Class LD License shall mean the license issued to a Public Inspection Station for Safety and Emissions Inspections of light duty diesel vehicles under 10,000 lbs (except motorcycles).

Class LG License shall mean the license issued to a Public Inspection Station for Safety and Emissions Inspections of light duty vehicles under 10,000 lbs of all fuel types except diesel (and motorcycles).

Class LGD License shall mean shall mean the license issued to a Public Inspection Station for Safety and Emissions Inspections of light duty vehicles under 10,000 lbs of all fuel types (except motorcycles).

Class M License shall mean the license issued to a Public Inspection Station for Safety Inspections of motorcycles as defined in M.G.L.c. 90, § 1.

Class R License shall mean the license issued to an individual who may perform Safety and Emissions Inspections of commercial motor vehicles at repair facilities other than his own.

Class V License shall mean the license issued to a Public Inspection Station for Safety and Emissions Inspections of all motor vehicles of all fuel types and weights, commercial motor vehicles, trailers, semi-trailers and converter dollies (except motorcycles).

Commercial Motor Vehicle Inspector shall mean an individual licensed by the Registrar as properly qualified under 540 CMR 4.08(1)(h).

Commercial Motor Vehicle means any self-propelled or towed vehicle used on public highways to transport passengers or property when:

- (a) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or
- (b) The vehicle is designed to transport more than 15 passengers, including the driver; or
- (c) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the Hazardous Materials Regulations of the United States Department of Transportation. Any commercial motor vehicle that singularly has a gross vehicle weight rating of 10,001 pounds or less and is designed to meet emissions standards, shall be submitted for an emissions

inspection in addition to all applicable safety inspection requirements; or
(d) A single, full or semi-trailer with a manufacturer's gross vehicle weight rating over 6,000 lbs.

Commissioner shall mean the Commissioner of the Department of Environmental Protection for the Commonwealth.

DEP shall mean Department of Environmental Protection.

Dynamometer shall mean a device which applies a load to a vehicle's drive wheels during an emissions inspection while the vehicle is being operated in a stationary, secure position to simulate actual driving conditions.

Emissions Analyzer shall mean a device that measures the concentration of pollutants in motor vehicle exhaust.

Exempt Vehicles From Emission Standards shall mean any motor vehicle with a model year earlier than 1984; any motor vehicle for up to 24 months from the date of registration after sale or lease to the original purchaser; tactical military vehicles, and all others exempted under 310 CMR 60.02(3)(b) and in accordance with M.G.L. c. 111, § 142M.

Federal Motor Carrier Safety Regulations shall mean the most current published edition of Title 49 U.S.C. Parts 390 to 397 including appendix G as identified by USDOT/FHWA/OMC.

Fleet Inspection Station shall mean a business which owns or maintains a fleet of at least 25 motor vehicles and maintains a garage for the repair and maintenance of those vehicles and is licensed by the Registrar to perform the Safety or Combined Safety and Emissions Inspection on its motor vehicles or motor vehicles owned by other fleets that are in the same vehicle class.

Fleet Inspection Station for Commercial Motor Vehicles shall mean an Inspection Station licensed by the Registrar to perform Safety or Combined Safety and Emissions Inspections on Commercial Motor Vehicles.

General Registration Holder shall mean any manufacturer, dealer, repairman, owner-contractor, transporter, farmer, dealer in recreational vehicles, trailers, boat trailers, or forester, all as defined in M.G.L. c. 90 § 1 and regulated by 540 CMR 18.00, who has been issued a general registration plate pursuant to M.G.L. c. 90, § 5.

Inspection Station Agreement: Shall mean the contract between the Network Contractor and the Inspection Stations which sets forth their respective responsibilities and duties.

Licensed Inspector shall mean an individual licensed by the Registrar as properly trained to perform a Massachusetts Motor Vehicle Safety and/or Emissions Inspection.

Licensee shall mean a holder of a Class LG through V License issued in accordance with 540 CMR 4.00.

Mobile Commercial Motor Vehicle Inspector shall mean an individual, certified and licensed, who meets the requirements of 540 CMR 4.08(1)(h) who may inspect commercial motor vehicles at a repair facility of any commercial motor vehicle operation that meets the minimum requirements for inspections prescribed for Commercial Vehicle Inspection Facilities by the Registrar.

Network Contractor: Shall mean the private entity which contracts with the DEP and RMV to develop, manage and implement the enhanced emissions and safety inspection program on accordance with St. 1997, c. 240.

Out of Service Criteria shall mean the most current “Out of Service Criteria” as prescribed in the North American Uniform Out-of-Service Criteria published by the Commercial Vehicle Safety Alliance (CVSA).

Referee Station shall mean a location which may be designated by the Registrar to verify the accuracy of inspections performed by Licensed Inspection stations and to grant certificates of waiver.

Registrar shall mean the Registrar of Motor Vehicles.

Windshield Replacement Certificate shall mean a serially numbered adhesive sticker, device or symbol as prescribed by the Registrar to be used in conjunction with any legible valid Certificate of Inspection, irrespective of any void displayed, removed due to the replacement of a windshield and displayed on the newly installed windshield on the same vehicle. Such Certificate shall be issued in accordance with the policies and procedures established by the Registrar.

Workstation: means the complete set of inspection equipment approved by the Department and required by the Registrar for an inspection station including, but not limited to: a computer, modem, printer, test and communication software, documentation; and, depending upon configuration, gas analyzer, dynamometer, flow measurement device, gas cap tester, and on-board diagnostics (OBD) scan tool.

4.03: Requirements for Inspection and Subsequent Staggered Annual Inspection

(1) General Provisions. Every owner or person in control of a Massachusetts registered motor vehicle shall submit the vehicle for inspection under the following rules.

- (a) Inspection Upon Registration. Every owner or person in control of a motor vehicle which is newly acquired in the Commonwealth shall submit such motor vehicle for a required inspection within seven days of the date on which the motor vehicle is registered to said owner in the Commonwealth.
- (b) Subsequent Inspection. Every owner or person in control of a Massachusetts registered motor vehicle shall submit the vehicle for the required inspection annually, no later than the date of expiration on the previously issued Certificate of Inspection or as notified in a manner prescribed by the registrar. Early renewals are permitted.
- (c) Validity of Certificates of Inspection. Certificates of Inspection displaying void(s) due to a windshield replacement, which are also displaying a duly issued Windshield Replacement Certificate, shall be valid until the expiration of the Certificate of Inspection or when ownership of the vehicle is transferred, or as notified in a manner prescribed by the Registrar, whichever occurs first.
- (d) General Registration Holders. Every motor vehicle owned by a General Registration holder, except for motor vehicles held for sale and demonstration by a dealer, shall be inspected pursuant to 540 CMR 4.00.
- (e) Farm Tractor. Any tractor or other self propelled vehicle used exclusively for agricultural or farming purposes, except automobiles and trucks, the use of which is declared by the owner or person in control thereof to be restricted to the period from a half hour before sunrise to a half hour after sunset and which is operated in or upon any way during such period shall be inspected and shall be equipped with one stop light and with brakes as manufactured, including a stationary brake with ratchet and pawl.
- (f) Temporary Registration Plates. Motor vehicles bearing temporary registration plates shall be inspected in accordance with the 540 CMR 4.00.
- (g) Out of State Registration. Motor vehicles submitted for inspection that are registered in any other state or jurisdiction shall be inspected in accordance with the applicable provisions of 540 CMR 4.00 and the policies and procedures established by the Registrar.
- (h) Inspection Upon Return to Commonwealth. A motor vehicle which is not garaged or operated within the Commonwealth during its assigned inspection period may be operated for 15 days after its return to the Commonwealth if the motor vehicle bears satisfactory proof of adequate Emissions or Safety and Emissions Inspection from another jurisdiction. The owner or person in control of the vehicle shall submit the vehicle for required inspection within said 15 days.

- (i) Common Carrier Motor Vehicles. The mandatory inspection requirements of 540 CMR 4.00 are not a substitute for any inspection which may be required by the Department of Telecommunications and Energy pursuant to M.G.L. c. 159A.

4.04: Procedures for Inspection of Non-Commercial Motor Vehicles

- (1) Prior to beginning inspection, a visual check of the vehicle shall be made to determine that ice and snow accumulation or the condition of the suspension system will not impede or interfere with the proper aiming of headlamps, or that any space saver temporary spare tire is mounted on any axle. The inspector may refuse to inspect the vehicle if it is determined by the inspector that the vehicle is unsafe for operation on the dynamometer or for any aspect of the Safety or Safety and Emissions inspection.
 - (a) The Certificate of Registration shall be inspected and the information contained thereon, including license plate, vehicle description, and vehicle identification number, shall be verified by observation of the subject vehicle. The information contained on the Certificate of Registration shall also be matched with the vehicle information accessible to the workstation. The data appearing on the Registration Certificate, the data accessible on the Workstation, the data appearing on the vehicle license plate, and the vehicle identification number and description must match in order for the inspection to proceed. No fee shall be assessed for an inspection which does not proceed due to a data match failure.
 - (b) A Vehicle Identification Number Correction Form must be given to the operator of any vehicle refused for inspection due to an incorrect vehicle identification or registration number.
 - (c) No certificate of registration need be produced for a vehicle having a general registration issued in accordance with the provisions of M.G.L. c. 90, § 5. Either a photocopy of the original certificate of registration or the original certificate of registration may be produced for all other motor vehicles.
 - (d) A licensed inspector may refuse to conduct an inspection if the motor vehicle's registration is determined to be invalid.
- (2) Inspection of the vehicle. All inspections must be performed in accordance with the applicable provisions of 540 CMR 4.00 and 310 CMR 60.02 by licensed inspectors in the approved inspection bay only.
 - (a) Inspectors must first collect the proper fee for the inspection.
 - (b) License plate(s), shall be undamaged, securely mounted, clean and clearly visible. No bumper, trailer hitch or other accessory may interfere with a clear view of the

license plates. The license plate must be mounted in the proper location on the rear of the vehicle if the vehicle has been issued one plate. Both license plates must be mounted in the proper location on the rear and front of the vehicle, if the vehicle has been issued two plates. Any decorative license plate or license plate replica not issued by the Registry of Motor Vehicles on which the word "Massachusetts" appears must be removed from the vehicle.

- (c) General Registration Holders, every motor vehicle in possession of a general registration shall be checked for the proper display of the compliance decal issued pursuant to 540 CMR 18.03. The Vehicle Identification Number (V.I.N.) and Registration Number indicated on the decal shall correspond with such numbers as observed by the inspector on the vehicle inspected. This requirement does not apply to motor vehicles owned and registered by a dealer.
- (d) Upon the successful completion of the inspection and a determination by the inspector that the vehicle meets all inspection requirements, the inspector shall remove the old Certificate of Inspection from the windshield, trailer, semi-trailer or converter dolly and affix the new Certificate of Inspection.
- (e) a vehicle which is determined not to meet all inspection requirements shall be issued a Certificate of Rejection.

(3) Perform Emissions Testing Requirements and Procedures.

- (a) Exemptions. The following motor vehicles are exempt from emissions testing:
 - 1. Any motor vehicle with a model year earlier than 1984.
 - 2. Any motor vehicle for up to 24 months from the date of registration after sale or lease to the original purchaser.
 - 3. Tactical military vehicles;
 - 4. Any vehicle exempted pursuant to 310 CMR 60.02(3)(b) and in accordance with M.G.L. c. 111, § 142M.
- (b) Conformance with Environmental Standards. All Emissions Inspections shall be performed in accordance with the applicable provisions of 310 CMR 60.02 and 540 CMR 4.00, and any written policies or procedures provided by the Registrar or the Commissioner.

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- (5) Muffler and Exhaust System Accelerate motor to test for prevention of unnecessary noise and emission of any unreasonable amount of smoke. The exhaust system, exhaust manifold(s), exhaust pipe(s), muffler(s), and tailpipe(s), if designed to be so equipped, shall be tight and free of leaks. System components shall be securely fastened with fasteners in place and undamaged. All motor vehicle exhaust systems shall discharge the exhaust beyond operator, passenger, and/or trunk compartment. Unnecessary noise is herein defined as any noise which is louder than that emitted by the vehicle when equipped with the original manufacturer's equipment. A gas or diesel vehicle will be rejected if, at normal operating temperature, at any constant speed over 15 MPH, (approximately 1,000 to 1,200 RPM's) visible black or blue exhaust emissions are evident.

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- (15) Fuel Tank Cap Visual Check. The vehicle shall fail the gas cap visual check if the cap is missing, defective, or does not properly fit the vehicle.

4.05: Procedures for Inspection of Commercial Motor Vehicles

- (1) Prior to Beginning Inspection, a visual check of the vehicle shall be made to determine that ice and snow accumulation or the condition of the suspension system, will not impede or interfere with the proper aiming of headlamps. The inspector may refuse to inspect the vehicle if it is determined by the inspector that the vehicle is unsafe for operation on the dynamometer or for any aspect of the Safety or Safety and Emissions inspection.
- (a) The Certificate of Registration shall be inspected and the information contained thereon, including license plate, vehicle description, and vehicle identification number, shall be verified by observation of the subject vehicle. The information contained on the Certificate of Registration shall also be matched with the vehicle information accessible to the workstation. The data appearing on the Registration Certificate, the accessible to the Workstation, the data appearing on the vehicle license plate, and the vehicle identification number and description must match in order for the inspection to proceed. No fee shall be assessed for an inspection which does not proceed due to a data match failure.
- (b) A Vehicle Identification Number Correction Form must be given to the operator of any vehicle refused for inspection due to an incorrect vehicle identification or registration number.
- (c) No certificate of registration need be produced for vehicle having a general registration issued in accordance with the provisions of M.G.L. c. 90, § 5. Either a photocopy of the original certificate of registration or the original certificate of

registration may be produced for other motor vehicles.

(d) A licensed inspector may refuse to conduct an inspection if the motor vehicle's registration is determined to be invalid.

(2) Inspection of the vehicle. All inspections must be performed in accordance with the applicable provisions of 540 CMR 4.00 and 310 CMR 60.02 by licensed inspectors in the approved inspection bay only,

(a) Inspectors must first collect the proper fee.

(b) License plate(s), shall be undamaged, securely mounted, clean and clearly visible. No bumper, trailer hitch or other accessory may interfere with a clear view of the license plates. The license plate must be mounted in the proper location on the rear of the vehicle if the vehicle has been issued one plate. Both license plates must be mounted in the proper location on the rear and front of the vehicle, if the vehicle has been issued two plates. Any decorative license plate or license plate replica not issued by the Registry of Motor Vehicles on which the word "Massachusetts" appears must be removed from the vehicle.

(d) General Registration Holders, every motor vehicle in possession of a general registration holder shall be checked for the proper display of the compliance decal issued pursuant to 540 CMR 18.03. The Vehicle Identification Number (V.I.N.) and Registration Number indicated on the decal shall correspond with said number of the vehicle inspected. This requirement does not apply to motor vehicles owned and registered by a dealer.

(e) Upon the completion of the inspection, the inspector will remove the old certificate of inspection from the windshield, trailer, semi-trailer, or converter dolly and affix the new Certificate of Inspection.

* * *

(d) Exhaust System.

1. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment.
2. A bus exhaust system leaking or discharging to the atmosphere:
 - a. Gasoline powered. In excess of six inches forward of the rearmost part of the bus. See 540 CMR 7.00 for school buses.

- b. Other than gasoline powered. In excess of 15 inches forward of the rear most part of the bus. See 540 CMR 7.00 for school buses
 - c. Other than gasoline powered forward of a door or window designed to be opened, excepting emergency exits.
3. No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.
 4. The exhaust system, exhaust manifold(s), exhaust pipe(s), muffler(s), and tailpipe(s), if designed to be so equipped, shall be tight and free of leaks. System components shall be securely fastened with fasteners in place and undamaged.
 5. A gas or diesel vehicle will be rejected if, at normal operating temperature, and at any constant speed over 15 MPH. (approximately 1,000 to 1200 RPM's) visible black or blue exhaust emissions are evident.

(e) Fuel System.

1. A fuel system with a visible leak at any point.
2. A fuel tank filler cap missing.
3. A fuel tank not securely attached to the motor vehicle by reason of loose, broken or missing mounting bolts or brackets (some fuel tanks use springs or rubber bushings to permit movement).

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- (o) Fuel Tank Cap Visual Check. The vehicle shall fail the gas cap visual check if the cap is missing, defective, or does not properly fit the vehicle.

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4.07: Issuance of Certificates of Inspection, Rejection, and Waiver Procedure

(1) General Provisions.

- (a) A separate and distinct charge, as established by the Secretary of Administration and Finance, shall be made for each inspection required in accordance with the provisions of 540 CMR 4.00 and the provisions of M.G.L. c. 90.

- (b) All required entries on Certificates and Periodic Inspection Reports must be legibly completed in ink, ball point pen, or indelible pencil by the licensed inspector performing the inspection or computer generated by the workstation.
 - (c) All Certificates of Inspection or Rejection shall be issued and affixed to the motor vehicle in accordance with the policies established by the Registrar. All Certificates of Inspection or Rejection for Trailers will be issued in accordance with the Registrar's policies relating thereto.
 - (d) All vehicles submitted for inspection displaying temporary plates or dealer plates, (as defined in 540 CMR 4.02) which are not required to carry a certificate of registration, shall have all digits of vehicle identification numbers recorded on the garage copy of the inspection print-out tape or recorded in the workstation.
- (2) Certificate of Inspection. Any motor vehicle subject to Safety Inspection only, Combined Safety and Emissions Inspection, or Commercial Motor Vehicle Safety and Emissions Inspection, which, after inspection, is found to be in compliance with all Safety or Safety and Emissions Inspection requirements will be issued a Certificate of Inspection, valid for a period of time to be determined by the Registrar in accordance with the policies established by the Registrar and Commissioner
- (3) Certificate of Rejection.
- (a) Any motor vehicle submitted for inspection that fails to meet all applicable inspection requirements shall be issued a Certificate of Rejection, in accordance with the Registrar and Commissioner's policy relating thereto.
 - (b) A Certificate of Rejection authorizes the operation of a motor vehicle for a period of 60 calendar days after inspection, provided that all safety related equipment defect(s) have been corrected prior to continued operation. Safety related equipment defects are items of inspection exclusive of emissions inspection items
 - (c) A Certificate of Rejection shall entitle the owner or operator to one free reinspection, provided that the vehicle is submitted for reinspection at the same inspection station which issued the Certificate of Rejection within 60 calendar days after the date of issue.
- (4) Suspension of Registration. Failure to meet these requirements or obtain a waiver under 540 CMR 4.00 shall result in the suspension of the motor vehicle's registration pursuant to the procedures set forth in M.G.L. c. 90, § 22
- (a) Commercial Motor Vehicle Certificate of Rejection Procedures.

1. Any commercial motor vehicle submitted for inspection that fails to meet the applicable Safety and Emissions inspection requirements shall be issued a Certificate of Rejection provided the safety defects are not identified and listed in the current North American Uniform Vehicle Out of Service Criteria as being an out of service condition or restricted service condition.
2. Upon inspecting a Commercial Motor Vehicle, if any item is found to not comply with 540 CMR 4.00, the inspector shall nevertheless complete the inspection of all other required items. The inspector shall provide a list of the items for which the vehicle is being rejected and advise the vehicle owner, custodian and/or operator of the violation(s) noted.

Copies of all rejection slips shall be kept at the place of inspection and/or stored electronically for one year from the date of inspection. Copies of all such rejection slips or data shall be made available for inspection by the Registrar or any of his authorized personnel. The rejection slip shall contain the following information:

- (a) Name of inspection station and station number.
 - (b) Date of inspection and signature of the inspector.
 - (c) Vehicle registration number, make, year and vehicle identification number.
 - (d) Reason for rejection
 - (e) Any other information that may be required by the Registrar.
3. Out of Service Commercial Motor Vehicle. If in the course of inspection of a Commercial Motor Vehicle or trailer, an inspector finds an unsafe vehicle, that has a safety hazard as defined in the current North American Uniform Vehicle Out of Service Criteria, said inspector shall immediately notify the Registry of Motor Vehicles by mailing that same day, the rejection slip noting the out of service violations. Said owner or custodian of said vehicle that was rejected by reasons of having safety defects of an out of service nature shall not be operated until all necessary repairs have been made. A Commercial Motor Vehicle placed out of service may be operated to the nearest repair facility if in the opinion of the inspector, it may be safe to do so. This operation is restricted to a five day period from the date of rejection. Said inspector shall so state on the rejection slip, in the appropriate space, if the vehicle is safe to move for the purpose of repairs. No commercial motor vehicle may be operated with a rejection certificate with an out of service condition under any circumstances unless it is being moved for the purpose of

repairs. Any person who operates or any owner or custodian, who permits a commercial motor vehicle to be operated in an out of service condition except for the movement of said vehicle for repairs, shall be punished by a fine as provided in M.G.L. c. 90, § 20.

4. Procedure For Waiver. A motorist may apply for a waiver of emission inspection standards in accordance with the provisions of 310 CMR 60.02(11).

(5) Inspection Within Seven Days of Purchase (Lemon Aid Law).

- (a) A Certificate of Rejection must be issued to the new owner of a motor vehicle within seven days of the date of purchase in order to permit the new owner to void the sale of said vehicle or to require the vendor to make repairs pursuant to the specified conditions enumerated in M.G.L. c. 90, § 7N.
- (b) In order to invoke M.G.L. c. 90, § 7N, Certificates of Rejection issued to motor vehicle owner/operators, who have submitted the motor vehicle for inspection within seven days of the date of purchase, shall, upon request of the owned operator, be provided a written statement, signed by an authorized agent of the inspection station, stating the reasons why the motor vehicle failed to pass the Safety or Combined Safety and Emissions Inspection and an estimate of the cost necessary for repairs in accordance with the provisions of M.G.L. c. 90, § 7N.

4.08: Licensure of Inspection Stations.

(1) General Provisions: Licensing Requirements.

- (a) Applications. Application for a license to operate a Class LG, LD, LGD, F, FR, H, HD, HG, M, R,V inspection station or other inspection license as may be issued by the Registrar may be filed with the Registrar by a person engaged in the business of servicing, maintaining or repairing motor vehicles or their components.

Class M inspection station – An applicant for a class M inspection station license must be a Motorcycle Dealer licensed pursuant to M.G.L. c. 140, § 58 or a motorcycle repairman who possesses a license required by law to carry on a repair business and who has received factory training or equivalent training as required by the Registrar.

- (b) Information Required. Each application for licensure shall contain such information as the Registrar shall require on the application form and be accompanied by a business certificate issued to the applicant by the city or town in

which the premises is located.

- (c) Application and License Fees. A non-refundable application fee of \$50.00 made payable by cash, certified check or money order to the Registry of Motor Vehicles shall accompany each application. When an application is approved by the Registrar, and upon the payment of an additional fee of \$100.00, the applicant shall be granted a license which shall be valid for a period of one year from the date of issuance. The annual renewal fee shall be determined by the Secretary of Administration and Finance. An applicant applying for a license at more than one location will be required to file a separate application for each location. A licensee may change his station location upon payment of a \$50.00 application fee and the approval of the new location. Licenses are not transferable. In the event of any change of ownership or interest in the business, an application for a new license must be filed. The Registrar must be notified immediately by the licensee in the event that arrangements are made for the transfer of the business to another person. Upon the transfer of ownership or termination of the business, the station license, all unused Certificates of Inspection, Rejection, and records required to be kept in accordance with the provisions of 540 CMR 4.00 shall be surrendered and returned to the Registry of Motor Vehicles forthwith. Unused Certificates of Inspection will be rebated.
- (d) Certificate of License and Display Requirements. The licensee shall conspicuously display the numbered class license issued by the Registrar in an area that is reserved for inspection purposes. In case of loss, mutilation or destruction of the license, the Registrar shall issue a duplicate license upon proper proof thereof and payment of a fee of \$25.00.
- (e) Requirements to Purchase and Security of Certificates of Inspection. Each licensee shall maintain adequate security, acceptable to the Registrar, that will prevent the misappropriation of Certificates of Inspection or Rejection. Missing or stolen Certificates of Inspection or Rejection must be reported forthwith to the Registry of Motor Vehicles.
- (f) Each Licensee shall maintain an adequate supply of Certificates of Inspection and Rejection and Network Contractor test authorizations to assure that motorists will not be denied inspections, or unnecessarily inconvenienced. Said documents shall be purchased from the Registry of Motor Vehicles or its designated agent in accordance with the applicable policies established by the Registrar and may not be sold or transferred from one station to another.
- (g) Requirements for Personnel Who Administer Inspections. Inspections must be performed by the licensee or permanent employees of the licensee who are in possession of a valid motor vehicle operator license. A person who performs

safety inspections shall be licensed by the Registrar. That license shall be renewed annually. A permanent employee shall, for purposes of 540 CMR 4.00, be defined as a person regularly employed by the licensed inspection station for a minimum of 20 hours per week. Persons performing inspections must be able to demonstrate their proficiency in inspecting motor vehicles and in operating, calibrating, and maintaining items or equipment required for the inspection of motor vehicles, to personnel authorized by the Registrar, the Massachusetts Commissioner of the Department of Environmental Protection assigned to program administration and enforcement and the Network Contractor. Any person conducting a Class M inspection must provide proof that he has received either factory training or training by the Network Contractor, or training approved by the Registrar. He must have a valid motorcycle license.

(h) Requirements For Personnel Who Administer Commercial Motor Vehicle Inspections. It shall be the licensed commercial motor vehicle inspection station's or the mobile commercial motor vehicle inspector's responsibility to ensure that the individual(s) performing an annual inspection as contained herein are qualified as follows:

1. Understands the inspection criteria set forth in Title 49 Code of Federal Regulations Parts 393 and Appendix G to Part 396 and can identify defective components;
2. Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection; and
3. Is capable of performing an inspection by reason of experience, training, or both as follows:
 - a. Successfully completed a State or Federal sponsored training program or has a certificate from a State or Canadian Province which qualifies the person to perform commercial motor vehicle safety inspections, or
 - b. Have a combination of training and/or experience totaling at least one year. Such training and/or experience may consist of:
 - i. Participation in a truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation and maintenance;
 - ii. Experience as a mechanic or inspector in a motor carrier commercial motor vehicle maintenance program;

- iii. Experience as a mechanic or inspector in commercial motor vehicle maintenance at a commercial garage, fleet leasing company of similar facility; or
 - iv. Experience as a commercial vehicle inspector for a State, Provincial - or Federal Government agency.
4. All personnel who perform any part of the actual commercial vehicle inspection shall be in possession of a valid Commercial Driver's License (CDL) representing the class and endorsements for the vehicles being inspected.
- a. Written evidence of that individual's qualifications under this section shall be retained by the commercial vehicle inspection station for the period during which that individual is performing annual motor vehicle inspections for the commercial motor vehicle inspection station and for one year thereafter.
 - b. All Commercial Motor Vehicle Inspectors shall be subject to testing and shall be licensed by the Registrar. Said license shall be renewed annually.
5. Availability of Premises and Records to Authorized Personnel. All licensees shall record and retain records pertaining to the inspection performed in accordance with the policies and procedures established by the Registrar. Facilities, records, and equipment shall, during the licensee's normal business hours, be available at the address recorded on the Class LG, LD, LGD, F, FR, H, HD, HR, M, R, V License to enforcement personnel of the Executive Office of Public Safety, Registry of Motor Vehicles, and/or Department of Environmental Protection and the Network Contractor.

(2) Facility, Equipment, and Inspection Station Requirements.

- (a) Posted Hours of Inspection. The facilities of public station Licensees should be available for the convenience of the public. Public station Licensees shall conspicuously post and display regular hours of inspection on a sign not less than 24"x 36". Information on the sign shall include identification as a "Massachusetts Inspection Station", the station's license number and the regular hours of inspection. Such signs must be removed or covered whenever inspections cannot be performed during the posted hours.
- (b) Inspection Area. A specific area approved by the Registrar within which the complete inspection shall be performed, except where additional testing of the brakes is required. The area must be enclosed in a building in the primary service

facility of the licensees' premises. The inspection area must be at least thirty feet in length and said inspection area must exceed by five feet in width the width of the dynamometer used to conduct the inspection. If no dynamometer is required, then the inspection area must be at least five feet wider than the widest vehicle to be inspected. The inspection area for class M Inspections shall be 30 feet or less in length, or as determined by the Registrar. Exceptions to these standards may be provided by the Registrar or his designee in his sole discretion. Designated areas shall be suitably marked or otherwise outlined and include a smooth, level, substantial floor on which the wheels of the vehicle will stand evenly while being inspected and must be maintained in a neat manner. The Registrar, in his sole discretion, may also approve an additional specifically designated area on the licensees' premises convenient to the approved inspection bay to be used for the inspection of vehicles exceeding the dimensions of the inspection bay entrance, provided the licensee has an approved mechanical headlight aimer. Additional space must be available within the primary service facility for the repairing, maintaining, or servicing of vehicles. The term Primary Service Facility, as used herein, is defined as that portion of the applicants' or licensees' premises which contains an area used for business record keeping purposes and servicing, maintaining, or repairing motor vehicles.

(c) Equipment Required.

1. General Requirements. All Inspection station licensees must possess the necessary tools and equipment, and shall maintain same in good working order, and shall possess facilities necessary for the ordinary repair and adjustment of motor vehicles or components on which inspection is required. In addition to the preceding, Licensees must be equipped with the following equipment that has been approved by the Registrar, applicable to the particular class license as noted.
 - a. Track mounted, or mechanical headlamp aimer, or a headlamp aiming screen as approved by the Registrar for Class LG, LD, LGD, F, FR, H, HD, HG, M, R, V licenses.
 - b. Ball joint gauge. All classes except H, M and R.
 - c. Tire tread depth gauge, marked 32nds of an inch. All classes.
 - d. Jack of sufficient capacity to lift the front axle of the heaviest vehicle inspected. All classes.
 - e. Two jack stands; with a minimum rated capacity capable of holding the vehicle to be inspected. All classes except M.

- f. Emissions analyzing equipment. All classes except M.
 - g. Registry of Motor Vehicles Inspection Manual.
 - h. Registry approved 42 or 48 inch long headlight aiming stick if aiming screen used.
 - i. Registry approved tint meter for glass. All classes except M.
 - j. Air, power and phone lines to operate the inspection equipment properly.
 - k. A commercial motor vehicle inspection station is required to have a current copy of FMCSR Parts 390 to 397 and appendix G available for inspector use.
2. Fleet Inspection Stations. (Class F). Licensees are limited to the inspection of motor vehicles owned or maintained by the licensee.

Inspection Area. The licensed Fleet Inspection Station must provide a specific area defined by the Registrar within which the complete inspection shall be performed except where additional testing is required for brakes. The area must be in a building, enclosing an area at least 30 feet in length which exceeds by five feet width the width of the dynamometer used to perform the inspection. The designated area shall be suitably marked or otherwise outlined and include a smooth, substantial level floor on which all the wheels of the longest vehicle inspected will stand evenly while being inspected. Additional adequate space must be available within the building for repairing and maintaining motor vehicles.

3. Public Commercial Motor Vehicle Inspection Facility (Class H) And Facilities Utilizing Services of Class R or Class FR Inspectors. A commercial motor vehicle inspection station shall have a specific area approved by the Registrar within which the complete inspection of all commercial motor vehicles so defined shall be performed. The area shall be a suitably marked, smooth, level, unobstructed concrete flooring. The dimensions public commercial motor vehicle inspection facility shall at a minimum be: a length ten feet longer than the longest single or combination commercial motor vehicle to be inspected, with a minimum of at least 50 feet in length and a minimum of at least 14 feet in width. The area shall be equipped to provide regulated air supply of sufficient pressure and electrical power to any non-self powered commercial motor vehicle which in combination cannot be accommodated in the designated area. The designated area shall be enclosed in a building having an entrance of no less than 14 feet in width or as approved by the

Registrar.

4. Private Commercial Vehicle Inspection Facility (Class F) shall have a specific area approved by the Registrar within which the complete inspection area shall be limited to commercial motor vehicles so defined, that are owned or maintained by the fleet licensee. The area shall be a suitably marked, smooth, level, unobstructed concrete floor with a length of ten feet longer than the longest commercial motor vehicle so owned or maintained. The length is to be no less than 45 feet and the width at least 14 feet. The requirement of air supply and electrical power need not apply providing the fleet owner does not own or maintain combination commercial motor vehicles. The designated area must be enclosed within a building with an entrance large enough to allow entrance of the largest vehicle to be inspected.

(3) Revocation, Suspension or Denial of Licenses.

- (a) The Registrar may, after the applicant, licensee or person licensed by the Registrar to perform safety inspections has been granted a hearing held at such time and place as the Registrar may prescribe and duly notice to the licensee, refuse to issue a license, suspend or revoke a license or refuse to issue the renewal of a license for any of the following causes:
 1. Failure to comply with any of the Rules and Regulations or the written Policies and Procedures of the Registrar or Commissioner pertaining to License Class LG, LD, LGD, F, FR, H, HD, HG, M, R, V Inspection Stations.
 2. Failure to inspect vehicles during posted inspection hours.
 3. Failure to have on hand at all times an adequate supply of Certificates of Inspection.
 4. Failure to maintain that portion of premises utilized as an inspection area in a proper manner.
 5. Failure to properly maintain equipment utilized in inspections procedures.
 6. Engaging in fraudulent practices or conduct during the inspection of motor vehicles.
 7. The issuance of a Certificate of Inspection or Certificate of Rejection without performing the required emissions test, if applicable.
 8. For any action deemed by the Registrar or Commissioner of the Department of

Environmental Protection to violate the terms and public purpose of the vehicle inspection program.

- (b) Mailing, by first class mail, postage prepaid, of a notice of a hearing to the last known address of a licensee or applicant, 14 days prior to the date of the hearing, shall be deemed proper notice.
- (c) Second, third, and subsequent infractions shall be infractions committed within the three years immediately preceding the date of the infraction for which the Registrar orders another suspension or revocation. The total number of prior infractions, in any combination, shall determine if a second or subsequent offense exists.
- (d) If the licensee appeals the Registrar's decision to revoke or suspend a license, the Registrar, upon a timely request, may allow the suspension or revocation to be stayed pending a hearing before the Motor Vehicle Board of Appeal on Motor Vehicle Liability, Policies and Bonds if said suspension is not based upon activity which would constitute a threat to the public safety.
- (e) Suspensions or revocations of the license of any Class LG, LD, LGD, F, FR, H, HD, HGM, R, V inspection station shall be in accordance with the following chart:

SUSPENSION PERIODS FOR VIOLATIONS OF INSPECTION
PROCEDURE REQUIREMENTS

(Certificates of Inspection, as used herein, includes Certificates of Rejection)

| Type of Offense Infraction | 1 st Infraction | 2 nd Infraction | 3 rd or Subsequent | |
|---|-------------------------------|-------------------------------|-------------------------------|--------|
| 1. Failure to maintain inspection bay in proper manner. | | | | |
| 2. Failure to maintain adequate supply of Certificate of Inspection or Rejection. | | | | |
| 3. Failure to maintain adequate security of Certificates of Inspection and test authorization. | | | | |
| 4. Failure to properly keep required Revoke records or properly complete required entries on Certificate of Inspection. | Up to 60 Days | Up to 120 Days | Up to 240 Days | |
| 5. Failure to charge the established inspection fee. | | | | |
| 6. Failure to comply with any provisions of 540 CMR 4.00 or the Registrar's written policies or procedures relating thereto not otherwise specified herein. | | | | |
| 7. Unauthorized person performing inspection. | | | | |
| 1. Failure to apply Certificates of Inspection, or Rejection to vehicle as required. | | | | |
| 2. Issuing Certificates of Inspection without performing a complete inspection | Up to 60 Days | Up to 120 Days | Up to 180 Days | Revoke |
| 3. Failure to perform complete inspection in designated inspection bay. | | | | |
| 4. Failure to have on hand required equipment in proper working condition. | | | | |

SUSPENSION PERIODS FOR VIOLATIONS OF INSPECTION

PROCEDURE REQUIREMENTS (continued)

(Certificates of Inspection, as used herein, includes Certificates of Rejection)

| Type of Offense Infraction | 1 st Infraction | 2 nd Infraction | 3 rd or Subsequent | |
|---|-------------------------------|-------------------------------|-------------------------------|--------|
| 1. Suggesting or requiring that unnecessary repairs or adjustments be made in order for vehicle to pass inspection. | Up to 180 Days | Up to 260 Days | Up to 540 Days | Revoke |
| 2. Deliberate falsification or alteration of recorded data pertaining to inspection. | | | | |
| 1. Licensee or employee performing inspections while under the influence of liquor or drugs. | Revoke | Revoke | Revoke | Revoke |

The Registry shall suspend the license of an inspector or a station for a minimum of 180 days for intentionally improperly passing a motor vehicle for the emissions test required pursuant to 310 CMR 60.02. A second or subsequent violation within three years shall result in a license revocation.

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License Application Procedures and Fees.

- (1) To obtain a license to conduct motor vehicle inspections from the Registrar, a person must be trained and certified by the DEP pursuant to 310 CMR 60.02.
- (2) The applicant must provide proof of certification and a valid driver license together with a non-refundable fee which shall be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 90, §33 and 801 CMR 4.02.
- (3) The fee is payable to the Registry of Motor Vehicles and shall accompany each application.
- (4) When the application is approved by the Registrar, the applicant shall be granted a license which shall be valid for a period of one year from the date of issuance. The license shall be renewable annually at a fee which shall be established by the Secretary of Administration and Finance pursuant M.G.L. c. 90, §33 and 801 CMR 4.02.

REGULATORY AUTHORITY

540 CMR 4.00: M.G.L. c. 90, §§ 7A; 7V(a), (b), (c), 7W and 31.